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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

CHARLES J. WILLIAMS,  
  
Plaintiff,  
  
v.

CASE NO. 2:14-cv-01785-KJD-VCF

**MOTION TO ENLARGE TIME TO FILE  
ANSWER OR OTHER RESPONSIVE  
PLEADING (First Request)**

STATE OF NEVADA DEPARTMENT OF  
PAROLE AND PROBATION; P.O. WILLIS;  
P.O. WATFORD; P.O. CALLOWAY; and  
SGT. P.O. BROWN,  
  
Defendants.

Defendants' counsel, Adam Paul Laxalt, Attorney General of the State of Nevada, and Adam Honey, Deputy Attorney General, hereby moves this Court for an order enlarging the time for Defendants to file their Answer or other responsive pleading to Plaintiff's Complaint.

This Motion is made and based on FED. R. CIV. P. 6(b)(1)(A), LR 6-1, the Memorandum of Points and Authorities as set forth below.

**INTRODUCTION**

This is a *pro se* civil rights action under 42 U.S.C. §1983. (Doc. #3). The event giving rise to this action allegedly took place on or about November 5, 2012. Id. Plaintiff's complaint centers on the allegation that various civil rights were violated when his vehicle was disposed

of after being towed from Parole and Probation's parking lot by virtue of him allegedly receiving no prior notice of his vehicle's subsequent "disposal". (Doc. #3 at p. 3, 5 & 6). The complaint is silent as to who allegedly disposed of the vehicle and no tow company or auto auction company is named as a defendant. The complaint appears to assume that the named defendants disposed of the vehicle after it was towed. (Doc. #3). This Court has dismissed Defendant State of Nevada, Division of Parole and Probation with prejudice because it is not a person under 42 U.S.C. § 1983. (Doc. #5, 6 & 7). Defendants WILLIS, WATFORD, CALLOWAY and BROWN were each served on February 24, 2015. (Docs. #8-11).<sup>1</sup>

### **MEMORANDUM OF POINTS AND AUTHORITIES**

FED. R. CIV. P. 6(b)(1)(A) provides in pertinent part that when "...an act is required or allowed to be done at or within a specified time, the court for cause shown may at any time in its discretion..." enlarge the period of time if the request is made "...before the expiration of the period originally prescribed or as extended by a previous order..."

LR 6-1 provides in pertinent part:

(a) Every motion requesting a continuance, extension of time, or order shortening time shall be "Filed" by the clerk and processed as an expedited matter. . . .

(b) Every motion or stipulation to extend time shall inform the court of any previous extensions granted and state the reasons for the extension requested. . . . Immediately below the title of such motion or stipulation there shall be included a statement indicating whether it is the first, second, third, etc., requested extension...

As indicated above, the individual defendants were served on February 24, 2015. A responsive pleading is due twenty-one days later on March 17, 2015. This request for extension is timely as it is made within the original time prescribed for a responsive pleading.

While this matter is not complex, it does require the coordination of four (4) defendants, and individuals and systems of the Nevada Attorney General and Department of Public Safety, Division of Parole and Probation. Furthermore, it involves investigating what happened to Plaintiff's vehicle after it was towed by an unnamed party.

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<sup>1</sup> The docket indicates these defendants were served on 2/20/15 but that date is in fact the date the U.S. Marshall received the summonses and complaint. The Proof of Service indicates each of the named defendants was served on 2/24/15.

As a result, counsel is in the process of obtaining pertinent documents from multiple sources and speaking with clients regarding their alleged involvement in the subject incident so that a meaningful responsive pleading can be filed. The preceding has been slowed by the number of defendants and the nature of the allegations. Because of the complications described above and due to undersigned counsel's schedule and workload, Defendants are requesting an extension of time, twenty-one (21) days, in which to file their responsive pleading in the form of a dispositive motion. This request is made in good faith and not for the purposes of delay.

DATED this 17<sup>th</sup> day of March, 2015

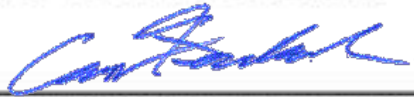
ADAM PAUL LAXALT  
Nevada Attorney General

By: /s/ Adam D. Honey

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IT IS HEREBY ORDERED that an extension is granted and the last day to file the responsive pleading is April 7, 2015.

**IT IS SO ORDERED.**



**UNITED STATES MAGISTRATE JUDGE**

**DATED:** March 20, 2015

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that I am an employee of the State of Nevada, Office of the Attorney General, and that on the 17<sup>th</sup> day of March, 2015, I electronically filed the foregoing, **MOTION TO ENLARGE TIME TO FILE ANSWER OR OTHER RESPONSIVE PLEADING (First Request)**, with the Clerk of Court through the CM-ECF System. I also served same by causing to be delivered to the Department of General Services for mailing at Las Vegas, a true copy thereof, addressed to:

Charles J. Williams, #79406  
Southern Desert Correctional Center  
P.O. Box 208  
Indian Springs, Nevada  
89070

/s/ Althea Zayas

Althea Zayas

An employee of:

**STATE OF NEVADA**

**OFFICE OF THE ATTORNEY GENERAL**